

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	Group Art Unit: To Be Assigned
	)	
ANDERSON et al.	)	Examiner: To Be Assigned
	)	
Continuation application of:	)	Atty. Docket No. GP106-10.CN2
Application Serial No. 09/704,210	)	
	)	
Filed: January 14, 2004	)	
	)	
For: PENETRABLE CAP	)	

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b)(1)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants bring to the Examiner's attention the references listed on the enclosed PTO/SB/08 forms (two copies of each) for consideration in connection with the examination of the above-identified application. Each listed reference was previously cited during the prosecution of parent application Serial No. 09/704,210. Accordingly, copies of these references are not enclosed herewith.

In accordance with 37 C.F.R. § 1.97(b)(1), this Information Disclosure Statement is being submitted within three months of the certified filing date of the instant application.

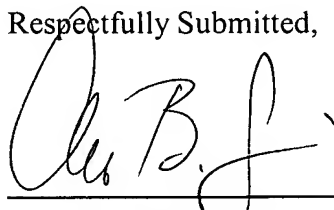
Applicants respectfully request that the Examiner indicate consideration of the cited references by returning a copy of the enclosed PTO/SB/08 forms with the Examiner's initials or other appropriate marks.

IDS

Continuation Application of:  
Application Serial No. 09/704,210  
Atty. Docket No. GP106-10.CN2

No fee is believed due in connection with this Information Disclosure Statement. If Applicants are mistaken, please charge the amount due to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Respectfully Submitted,



By:

Charles B. Cappellari  
Registration Number 40,937  
Attorney for Applicants

Date: January 14, 2004

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San Diego, California 92121  
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. GP106-05.CP2  APPLICANT ANDESON et al.  FILING DATE November 1, 2000	SERIAL NO. CIP of Ser. No. 09/675,641  GROUP To Be Assigned
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U.S. PATENT DOCUMENTS													
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
		R	e	2	7	6	3	7	5/08/73	Roach			
				7	5	4	9	4	8	3/15/04	White		
		1		4	3	1	8	7	1	10/10/22	Burnet		
		1		7	0	2	1	8	2	2/12/29	Van Vlijmen		
		2		2	0	6	1	1	8	7/02/40	Pahls et al.		
		2		2	4	0	1	0	1	4/29/41	Smith		
		3		3	1	8	4	9	6	5/09/67	Avotte et al.		
		3		4	6	0	7	0	2	8/12/69	Andrews		
		3		4	7	5	1	2	7	10/28/69	Gilford		
		3		4	8	0	1	6	9	11/25/69	Hammes		
		3		4	9	4	2	0	1	2/10/70	Roach		
		3		5	5	2	5	9	1	1/05/71	Wimmer		
		3		5	7	8	0	3	7	5/11/71	Flynn		
		3		6	0	7	0	9	8	7/21/71	Strande		
		3		6	7	6	0	7	6	7/11/72	Grady		
		3		7	2	0	3	4	3	3/13/73	Irish, Jr.		
		3		7	7	4	4	5	5	11/27/73	Seidler et al.		
		3		8	5	3	2	1	7	12/10/74	Scordato et al.		

FOREIGN PATENT DOCUMENTS														
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
													YES	NO

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
A	Gen-Probe Incorporated Product Literature: "PACE 2 Specimen Collection Guide" (1996).	

EXAMINER	DATE CONSIDERED
<p><b>*EXAMINER:</b> INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.</p>	

<p>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  PATENT AND TRADEMARK OFFICE</p> <p style="text-align: center;"><b>INFORMATION DISCLOSURE STATEMENT  BY APPLICANT</b></p> <p>(USE SEVERAL SHEETS IF NECESSARY)</p>	<p>ATTY. DOCKET NO.  GP106-05.CP2</p> <p>APPLICANT  ANDESON et al.</p> <p>FILING DATE  November 1, 2000</p>	<p>SERIAL NO.  CIP of Ser. No. 09/675,641</p> <p>GROUP  To Be Assigned</p>
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EXAMINER INITIAL		DOCUMENT NUMBER						DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)	
		3	8	9	8	0	4	6	8/05/75	Ikeda et al.			
		3	9	5	7	6	5	3	5/18/76	Blecher			
		4	0	5	3	0	8	4	10/11/77	Anderson			
		4	0	5	9	2	0	1	11/22/77	Foster			
		4	0	6	6	6	4	6	1/03/78	LeBlanc, Jr. et al.			
		4	1	1	1	3	2	6	9/05/78	Percarpio			
		4	1	3	4	5	1	2	1/16/79	Nugent			
		4	1	3	6	7	9	4	1/30/79	Percarpio			
		4	1	5	0	9	5	0	4/24/79	Takeguchi et al.			
		4	1	5	1	2	5	6	4/24/79	Pedersen			
		4	1	5	2	2	6	9	5/01/79	Babson			
		4	1	7	8	9	7	6	12/18/79	Weiler et al.			
		4	1	8	6	8	4	0	2/05/80	Percarpio			
		4	1	8	7	9	5	2	2/12/80	Percarpio			
		4	2	0	7	9	8	8	6/17/80	Prouty et al.			
		4	2	0	9	1	2	6	6/24/80	Elias			
		4	2	2	6	3	3	3	10/07/80	Percarpio			
		4	2	3	0	6	6	4	10/28/80	Cais			

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		4	2	3	4	1	0	3	11/18/80	Strobl, Jr. et al.			
		4	2	3	6	6	4	6	12/02/80	Ganz, Jr. et al.			
		4	2	4	3	1	5	0	1/06/81	Gunn et al.			
		4	2	4	8	3	5	5	2/03/81	Kolb et al.			
		4	2	6	1	4	7	4	4/14/81	Cohen			
		4	2	6	5	2	4	2	5/05/81	Cohen			
		4	2	6	6	6	8	7	5/12/81	Cummings			
		4	2	7	8	4	3	7	7/14/81	Haggar			
		4	2	9	0	5	3	4	9/22/81	Percarpio			
		4	2	9	5	5	7	2	10/20/81	Percarpio			
		4	3	0	1	9	3	6	11/24/81	Percarpio			
		4	3	3	8	7	6	4	7/13/83	Percarpio			
		4	3	5	3	8	6	8	10/12/82	Joslin et al.			
		4	3	9	0	1	1	1	6/28/83	Robbins et al.			
		4	4	1	1	7	2	1	10/25/83	Wishart			
		4	4	6	5	2	0	0	8/14/84	Percarpio			
		4	4	7	7	7	1	0	10/16/84	Zawadzkas et al.			
		4	5	1	5	7	5	2	5/07/85	Miramanda			

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		4	5	1	9	5	1	3	5/28/85	Weiler et al.			
		4	5	3	1	6	4	9	7/30/85	Shull			
		4	5	3	9	8	5	5	9/10/85	Jacobs			
		4	5	4	5	4	9	7	10/08/85	Martha, Jr.			
		4	5	5	7	8	9	9	12/10/85	Schoonover et al.			
		4	5	7	6	2	9	7	3/18/86	Larson			
		4	6	5	2	4	2	9	3/24/87	Konrad			
		4	6	6	4	2	7	4	5/12/87	Konrad			
		4	6	8	2	7	0	3	7/28/87	Kasai et al.			
		4	6	9	3	8	3	4	9/15/87	Hossom			
		4	7	0	3	8	6	5	11/03/87	Bates			
		4	7	0	7	3	3	7	11/17/87	Jeffs et al.			
		4	7	6	9	3	3	5	9/06/88	Schmidt et al.			
		4	7	8	9	6	3	9	12/06/88	Fleming			
		4	8	0	8	3	8	1	2/28/89	McGregor et al.			
		4	8	1	3	4	3	2	3/21/89	Saint-Amand			
		4	8	4	9	1	7	3	7/18/89	Chang			
		4	8	5	9	6	1	0	8/22/89	Maggio			

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	4	8	6	3	0	5	1	9/05/89	Eibner et al.			
	4	8	6	3	4	5	3	9/05/89	Berger et al.			
	4	9	6	1	9	8	6	10/09/90	Galda et al.			
	4	9	7	8	5	0	4	12/18/90	Nason			
	4	9	9	9	1	6	3	3/12/91	Lennon et al.			
	5	0	1	6	7	7	0	5/21/91	Rizzardi			
	5	0	3	9	0	1	2	8/13/91	Inaba			
	5	0	5	7	3	6	5	10/15/91	Finkelstein et al.			
	5	0	6	1	2	6	3	10/29/91	Yamazaki et al.			
	5	0	6	5	7	6	8	11/19/91	Coleman et al.			
	5	0	7	8	9	6	8	1/07/92	Nason			
	5	0	8	1	8	7	2	1/21/92	Greter			
	5	0	8	5	3	3	2	2/04/92	Gettig et al.			
	5	0	9	6	0	6	2	3/17/92	Burkardt et al.			
	5	1	4	9	5	0	6	9/22/92	Skiba et al.			
	5	1	5	6	8	1	3	10/20/92	Calhoun			
	5	1	6	9	6	0	2	12/08/92	Pang et al.			
	5	1	8	4	7	4	6	2/09/93	Moore et al.			

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	5	1	9	9	5	9	7	4/06/93	Gladish			
	5	2	0	0	1	5	3	4/06/93	Carr et al.			
	5	2	0	2	0	9	3	4/13/93	Cloyd			
	5	2	0	9	7	3	3	5/11/93	Lever et al.			
	5	2	1	5	7	1	7	6/01/93	Conant et al.			
	5	2	3	2	1	1	1	8/03/93	Burns			
	5	2	3	2	6	6	9	8/03/93	Pardinas			
	5	2	3	8	6	4	9	8/24/93	Nason			
	5	2	4	6	8	5	6	9/21/93	Gaarslev			
	5	2	5	4	3	1	4	10/19/93	Yu et al.			
	5	2	6	6	2	6	6	11/30/93	Nason			
	5	2	6	8	1	4	8	12/07/93	Seymour			
	5	2	9	7	5	9	9	3/29/94	Bucheli			
	5	3	2	6	5	3	4	7/05/94	Yamazaki et al.			
	5	3	2	8	0	4	1	7/12/94	Hook et al.			
	5	3	3	4	3	4	8	8/02/94	Saito et al.			
	5	3	9	5	3	6	5	3/07/95	Weiler et al.			
	5	4	3	3	3	3	0	7/18/95	Yatsko et al.			

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		5	4	3	3	7	1	6	7/18/95	Leopardi et al.		
		5	4	5	6	8	8	7	10/10/95	Calvo et al.		
		5	4	5	8	8	5	4	10/17/95	Burns		
		5	4	6	2	8	8	1	10/31/95	Perlman		
		5	4	7	1	7	0	6	12/05/95	Wallock et al.		
		5	5	0	5	3	2	6	4/09/96	Junko		
		5	5	1	4	3	3	9	5/07/96	Leopardi et al.		
		5	5	2	5	3	0	4	6/11/96	Matsson et al.		
		5	5	2	7	5	1	3	6/18/96	Burns		
		5	5	4	3	1	1	5	8/06/96	Karakawa		
		5	5	4	5	3	7	5	8/13/96	Tropsha et al.		
		5	5	6	6	8	5	9	10/22/96	Willis et al.		
		5	5	7	8	2	7	2	11/26/96	Koch et al.		
		5	6	0	4	1	0	1	2/18/97	Hanley et al.		
		5	6	2	3	9	4	2	4/29/97	Pestes et al.		
		5	6	2	4	5	5	4	4/29/97	Faulkner et al.		
		5	6	3	2	3	9	6	5/27/97	Burns		
		5	6	3	7	0	9	9	6/10/97	Durdin et al.		

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		5	6	8	1	7	4	2	10/28/97	MersKelly et al.			
		5	7	0	7	5	8	9	1/13/98	Fullemann			
		5	8	0	0	7	8	5	9/01/98	Bochner			
		5	8	5	1	4	9	1	12/22/98	Moulton			
		5	9	1	5	5	7	7	6/29/99	Levine			
		5	9	3	5	8	6	4	8/10/99	Schramm et al.			
		5	9	8	9	6	9	2	11/23/99	Brown			
		6	0	5	4	0	9	9	4/25/00	Levy			

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		D	2	7	0	9	6		5/25/1897	Wetherald	
		D	2	8	2	4	8	8	2/04/86	Kalen	
		5	2	2	3	2	2	5	6/29/93	Gautsch	
		5	7	1	4	1	2	5	2/03/98	Sagstetter	

FOREIGN PATENT DOCUMENTS											
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	COUNTRY	TRANSLATION
		0	5	2	1	2	9	9	27.05.92	EPO	YES NO
											X

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		3	1	4	3	2	3	5	8/04/64	Lowen	215	40	
		3	6	5	3	5	2	8	4/04/72	Wimmer	215	38	
		3	9	3	0	4	1	3	1/06/76	Laird et al.	73	421	
		4	0	1	1	9	6	1	3/15/77	Widen et al.	215	232	
		4	3	4	9	0	3	5	9/14/82	Thomas et al.	128	766	
		4	4	1	6	6	6	1	11/22/83	Norman et al.	604	86	
		4	9	9	5	5	2	1	2/26/91	von Schuckmann	215	249	
		5	3	4	4	4	1	7	9/06/94	Wadsworth, Jr.	604	414	

FOREIGN PATENT DOCUMENTS														
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
													YES	NO

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

EXAMINER	DATE CONSIDERED
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\*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. GP106-05.CP2	SERIAL NO. 09/704,210
APPLICANT ANDERSON et al.		
FILING DATE November 1, 2000		GROUP To Be Assigned

U.S. PATENT DOCUMENTS													
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
		2	9	0	6	4	2	3	7/18/56	Sandhage	215	47	
		6	1	4	5	6	8	8	11/14/00	Smith	220	259	

FOREIGN PATENT DOCUMENTS													
EXAMINER INITIAL		DOCUMENT NUMBER						DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
												YES	NO

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

EXAMINER	DATE CONSIDERED
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. GP106-05.CP2  APPLICANT ANDERSON et al.  FILING DATE November 1, 2000	SERIAL NO. 09/704,210    GROUP To Be Assigned
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U.S. PATENT DOCUMENTS													
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
		4	5	8	2	2	0	7	4/15/86	Howard et al.			
		5	8	7	4	0	4	8	2/23/99	Seto et al.			
		5	8	8	8	8	3	1	3/30/99	Gautsch			

FOREIGN PATENT DOCUMENTS														
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
													YES	NO
		0	5	2	1	2	9	9	07.01.93	EPO			X	
		9	9	4	5	3	6	0	10.09.99	PCT			X	
		0	0	0	0	8	1	2	06.01.00	PCT			X	

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

EXAMINER	DATE CONSIDERED
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**Complete if Known**

<b>Application Number</b>	<b>09/704,210</b>
<b>Filing Date</b>	<b>N v mber 1, 2000</b>
<b>First Named Inventor</b>	<b>ANDERSON t al.</b>
<b>Group Art Unit</b>	<b>1743</b>
<b>Examiner Name</b>	<b>Cross, L.</b>
<b>Attorney Docket Number</b>	<b>GP106-05.CP2</b>

*(use as many sheets as necessary)*

Sheet	1	of	1
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[illegible][illegible]Date  
Considered

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08A (08-03)

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 14

of 14

## **Complete if Known**

Application Number	To be assigned
Filing Date	January 14, 2004
First Named Inventor	Bruce W. Anderson
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	GP106-10.CN2

## **U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 2,436,291	02-17-1948	Daniel	
		US- 3,392,859	07-16-1968	Fischer	
		US- 3,899,100	08-12-1975	Rigaud	
		US- 4,600,112	07-15-1986	Shillington et al.	
		US- 5,370,252	12-06-1994	Parsons et al.	
		US- 5,611,443	03-18-1997	King	
		US- 6,030,582	02-29-2000	Levy	
		US- 6,361,744	03-26-2002	Levy	
		US-			
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## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

Examiner  
Signature

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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